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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,043	06/14/2001	Patrice Caillat	208718USOPCT	5360

22850 7590 07/16/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHAKRABARTI, ARUN K

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/868,043

Applicant(s)

Caillat

Examiner

Arun Chakrabarti

Art Unit

1634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 26, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 27-53

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

The request for reconsideration along with minor amendment of the claim language (especially independent claim 27) have been considered but does not place the application in condition for allowance because of the following reasons:

Applicant argues (Page 10, fifth paragraph and page 12, third paragraph) that 102 (b) rejection based on Teoule and any other 103(a) rejections (page 13, first, second, and third paragraph and page 14, first paragraph) based on Teoule as primary reference should be withdrawn because Teoule does not teach depositing a resin that can be used for the formation of a structured substrate comprising a plurality of microcavities. This argument is not persuasive. Teoule clearly teaches depositing a resin that can be used for the formation of a structured substrate comprising a plurality of microcavities (Column 4, lines 21-33 and Figures 4A-B and Example 4).

Applicant also argues (page 11, first paragraph, third paragraph and fourth paragraph and page 12, second paragraph) that Teoule reference does not teach certain features of the claimed invention such as (I) the process of functionalization can occur simultaneously, (ii) physically isolate the working electrodes from the bulk solution, (iii) an "active layer" whereby pyrrole monomers may self-assemble prior to oxidation and then copolymerization. This argument is not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the features mentioned above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues (Page 12, last two paragraphs) that 102(b) rejection based on Livache should be withdrawn because Livache does not teach depositing a resin that can be used

for the formation of a structured substrate comprising a plurality of microcavities. This argument is not persuasive. Livache clearly teaches depositing a resin that can be used for the formation of a structured substrate comprising a plurality of microcavities (Abstract and Materials and Methods Section).

In view of the response to request for reconsideration, applicant's remarks have not been found persuasive. Moreover, the proposed amendment could have been rejected on the same ground as made in the last final office action as the proposed amendment does not change the meaning of the independent claim 27. Therefore neither the remarks nor the amendment of the claims has been entered.



GARY BENZION, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

EXAMINER'S CASE ACTION WORKSHEET

Application No. <div style="text-align: center;">09/868,043</div>		Legal Instrument Examiner
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CHECK TYPE OF ACTION	DATE OF COUNT	
<input type="checkbox"/> Non-Final Rejection	<input type="checkbox"/> Restriction/Election Only	<input type="checkbox"/> Final Rejection
<input type="checkbox"/> Ex Parte Quayle	<input type="checkbox"/> Allowance	<input checked="" type="checkbox"/> Advisory Action
<input type="checkbox"/> Examiner's Answer	<input type="checkbox"/> Reply Brief Noted	<input type="checkbox"/> Non-Entry of Late Paper
<input type="checkbox"/> Defective Notice of Appeal or Defective Appeal Brief	<input type="checkbox"/> Interference SPE _____ (Approval for Disposal)	<input type="checkbox"/> Suspension SPE _____ (Initial)
<input type="checkbox"/> Allowance After Examiner's Answer	<input type="checkbox"/> SIR Disposal (use only after FAOM)	<input type="checkbox"/> Post-Allowance Communication
<input type="checkbox"/> Miscellaneous Office Letter (With Shortened Statutory Period Set)	<input type="checkbox"/> Notice of Non-Responsive Amendment (With One Month Time Period Set)	<input type="checkbox"/> Miscellaneous Office Letter (No Response Period Set)
<input type="checkbox"/> Letter Requiring Formal Drawings	<input type="checkbox"/> Supplemental Action (Excluding Examiner's Answer)	<input type="checkbox"/> Response to a Rule 312 Amendment
<input type="checkbox"/> Restart Time Period (e.g., Missing References)	<input type="checkbox"/> Interview Summary	<input type="checkbox"/> Authorization to Change Previous Office Action SPE: _____ (Initial)
<input type="checkbox"/> Abandonment	<input type="checkbox"/> Express Abandonment Date: _____	<input type="checkbox"/> Abandonment After Examiner's Answer

Examiner's Name: Arun Chakrabarti AU: 1634